IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.3114 OF 2005

M/s.Trade Link and others)..Petitioners

Versus

Durga Prasad Devidin Pardeshi and anr.)..Respondent

Mr.A.S.Khandeparkar for the Petitioners.

Mr.R.D.Soni for Respondent No.1.

Ms.Z.S.Irani for Respondent No.2.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 10TH AUGUST 2005

P.C.:

. This Petition challenges an order dated 11th April 2005 passed by the Judge of the Small Causes Court at Mumbai in Interim Notice No.4849 of 2004 in R.A.E.Suit No.1676 of 1987 allowing the notice taken out by Respondent No.2 for joining her as party Defendant in the Suit. The trial Court has found that she is a necessary and proper party and has, therefore, permitted the same. In my view, the Defendant in the Suit cannot challenge the order as it is for the Plaintiff to decide who should be the parties to the Suit. The Plaintiff-Respondent No.1 in this case has no grievance about Respondent No.2 being added as a party Defendant to the Suit. Hence, Petition rejected.

2. Obviously all findings of the trial Court resulting in Respondent No.2 being joined as a party

Defendant to the Suit are prima facie.